REMARKS

An Office Action was mailed December 27, 2002, having a period for response set to expire March 27, 2003. A Petition for a Two Month Extension of Time is being submitted herewith, thereby extending the period for response to May 27, 2003.

By the present Amendment, Applicant has canceled Claims 1 - 35 of the originally filed application in favor of newly added Claim 36.

The Office Action mailed December 27, 2002 rejected all claims, namely Claims 1 - 35, under 35 U.S.C. § 103 as being unpatentable over various combinations of Cohen, "Learning Rules that Classify E-Mail" (1996); Lewis, "Evaluating and Optimizing Autonomous Text Classification Systems" (1995); and U.S. Patent No. 6,327,581 to Platt. Claims 1 - 35 have been canceled herein, thereby rendering the rejection of the December 27, 2002 Office Action moot.

Applicant presents the current Amendment in conjunction with a Request by Applicant For Declaration of an Interference pursuant to 37 CFR § 1.607, wherein Applicant respectfully requests that an interference be declared between the present application and U.S. Patent No. 6,408,277. The information required by 37 CFR § 1.607(a) is set forth below under headings which correspond to the subsections of § 1.607(a) to facilitate consideration by the Examiner.

1. Identification of the Patent Which Includes Subject Matter Which Interferes With The Application

The patent which claims subject matter which interferes with subject matter claimed in the present application (the "Horvitz application" or the "present application") is U.S. Patent No. 6,408,277 (the "Nelken patent"), issued on June 18, 2002 to Yoram Nelken for a "System and Method for Automatic Task Prioritization." The Nelken patent was issued on application Serial No. 09/602,588, filed June 21, 2000, which purports on its face to be assigned to Banter Limited.

2. Presentation of a Proposed Count

Attached Appendix A sets forth a proposed count in the alternative. The proposed count consists of Claim 1 of the Nelken patent or, in the alternative, Claim 36 of the Horvitz application. A count in the alternative is being proposed in part because of the different language utilized by the respective parties to describe the same invention.

3. Identification of at Least One Claim of the Nelken Patent Which Corresponds to the Proposed Count

Claim 1 of the Nelken patent, the only issued claim, corresponds to the proposed count, whether the count consists of Claim 1 of the Nelken patent itself or, in the alternative, Claim 36 of the Horvitz application. In order to assist the Examiner, attached Appendix B sets forth a side-by-side comparison of Claim 1 of the Nelken patent with Claim 36 of the Horvitz application.

4. Presentation of at Least One Claim of the Horvitz Application Which Corresponds to the Proposed Count

Newly added Claim 36 of the above application corresponds to the proposed count, whether the count consists of Claim 1 of the Nelken patent or Claim 36 of the Horvitz application. To assist the Examiner in this regard, Applicant attaches Appendix C. Appendix C is a chart providing an element-by-element recitation of the newly added Claim 36 and an indication of at least some of the passages in the originally filed application where, at the very least, the claim finds support.

5. Application of the Terms of the Application Claim

All terms in the newly added Claim 36 were present in the originally filed application.

The Nelken patent, on its face, purports to comprise a system and method for prioritizing tasks, whereas the present invention is directed to a method and system for assigning priorities to documents and messages. However, it is clear from the summary and

detailed description of the Nelken patent that the tasks to be prioritized include documents, such as emails, faxes, text, etc. In fact, the preferred embodiment of the Nelken system is directed toward analyzing the content of text communications, i.e., emails, for assigning a priority to each such text communication. See, for example, Nelken at Col. 1, lines 49 - 52 and 55 - 57; Col. 2, lines 39 - 59 and 65 - 67; Col. 4, lines 24 - 28; and Fig. 1, elements 131 and 132. There are additional terms in the Nelken patent that, while different from the terminology of the present application, have the same meaning as the terms used in the present application. For example, the decision engine of the Nelken patent corresponds to the text classifier of the present application. The Nelken decision engine receives tasks and assigns a priority to each task (Nelken at Col. 1, lines 46-47), and the present text classifier receives text and generates a priority for the text (specification at page 10, lines 12 - 13; page 26, line 11).

The task queue of Nelken is the same as the storage media of the present application for storing prioritized text for subsequent retrieval by a user. See Nelken at Col. 3, lines 26 - 34 and 43 - 57; and Fig. 2. See specification at page 8, lines 3 - 12; page 16, lines 3 - 5; and page 25, lines 6 - 11. The monitoring module of Nelken is the same as the implicit training module of the present application in that both modules watch the user select prioritized text and forward the selected text to teach the decision engine (Nelken) and retrain the classifier (application). Nelken at Col. 5, lines 1 - 5 and 35 - 38; specification at page 15, lines 20 - 30. The agent of Nelken is a person selecting documents (Nelken at Col. 3, lines 8 - 14 and 53 - 55; Col. 5, lines 1 - 4), which is the same as the user referred to in the present application (specification at page 15, lines 20 - 29).

The feedback to update the priority criteria of Nelken consists of the tasks selected by a user that are subsequently fed back to update the decision engine priority criteria, including the rules (Nelken at Col. 3, lines 62 - 67; Col. 5, lines 1 - 17 and 35 - 38; and Fig. 2). The corresponding priority feedback of the present invention is the text selected by a user that is used to update the text classifier by implicitly training the classifier for enhancing its priority decision making (specification at page 10, lines 18 - 23; page 15, lines 24 - 30; page 26, lines

14 - 15; and Fig. 2). As regards the rules of Nelken for assigning priorities to tasks (see Nelken at Col. 5, lines 27 - 40), classifiers such as the text classifier of the application are known to use rules to perform their classification function and, further, text classifiers are known in the art as rules.

6. The Requirements of 35 USC § 135(b) are Satisfied

The Nelken patent issued on June 18, 2002, which is within a year of the current Request For Interference pursuant to 37 CFR § 1.607 being filed, thereby satisfying the requirements of 35 USC § 135(b).

CONCLUSION

Applicant respectfully requests that an interference be declared employing the proposed count set forth in attached Appendix A with Claim 1 of the Nelken patent and newly added Claim 36 of the present application, each of said two claims designated as corresponding to the count.

If any fees are required in connection with this Amendment, please charge the same to our Deposit Account No. 50-1063.

Respectfully submitted,

AMIN & TUROCY, L.L.P.

By: _____
Himanshu S. Amin
Reg. No. 40,894

24th Floor, National City Center
1900 East 9th Street
Cleveland, Ohio 44114
Telephone: (216) 696-8730
Facsimile: (216) 696-8731
Date: MAY 7, 2003

Appendix A
The Proposed Count

Claim 1 of the Nelken patent:

1. A system for automatic task prioritization, comprising:

a decision engine configured to receive tasks and to determine a priority of each task;

at least one task queue configured to store said prioritized tasks in order of priority; and

a monitoring module configured to monitor tasks selected from said task queue by at least one agent and to forward said selected tasks and a priority code associated with each selected task as feedback to said decision engine such that said decision engine uses said feedback to update priority criteria, which include rules for prioritizing the tasks.

or Claim 36 of the Horvitz application:

36. A system for automatic prioritizing of text, comprising:

a text classifier trained to receive text and to determine a priority for each received text;

at least one storage media configured to store received text in order of priority; and

an implicit training module configured to continually watch text selected by a user while working, the selected text having an assigned priority and comprising new training messages to the text classifier, such that the text classifier is updated by training in the background using the new training messages for enhancing priority decision making.

Appendix B

Claim 1 of The Nelken Patent vs. Claim 36 of The Present Application

Claim 1 of 6,408,277	Claim 36 of Application
1. A system for automatic task prioritization, comprising:	A system for automatic prioritizing of text, comprising:
a decision engine configured to receive tasks and to determine a priority of each task;	a text classifier trained to receive text and to determine a priority for each received text;
at least one task queue configured to store said prioritized tasks in order of priority; and	at least one storage media configured to store received text in order of priority; and
a monitoring module configured to monitor tasks selected from said task queue by at least one agent and	an implicit training module configured to continually watch text selected by a user while working,
to forward said selected tasks and a priority code associated with each selected task as feedback to said decision engine	the selected text having an assigned priority and comprising new training messages to the text classifier,
such that said decision engine uses said feedback to update priority criteria, which include rules for prioritizing the tasks.	such that the text classifier is updated by training in the background using the new training messages for enhancing priority decision making.

Appendix C

Claim 36 of The Present Application and Citations to Exemplary Support in The Application*

Claim 36 Features	Citations to The Specification for Examples of Support for the Features of Claim 36
36. A system for automatic prioritizing of text, comprising:	Page 10, lines 5-9: "In this section of the detailed description, the generation of a priority for text documents such as an email, according to one embodiment of the invention, is described. The generation of priorities for texts as described can then be used in methods, systems, and computer-readable media (as well as other embodiments) of the invention as are presented in other sections of the detailed description."
a text classifier trained to receive text and to determine a priority for each received text;	Page 16, lines 20-21; Fig 3: "Referring next to Fig. 3, a text, such as an email message, 300 is input into the text classifier 200, which based thereon generates a priority 302 for the text 300." Page 26, lines 11-13; Fig. 11: "In 900, a text to have a priority thereof assigned is received. The text can be an email message, or any other type of text; the invention is not so limited. In 902, the priority of the text is generated, based on a text classifier, as has been described."

* - The cited passages are an indication of where in the originally-filed application, at the very least, the claim finds exemplary support. Applicant reserves the right to identify and demonstrate additional support if necessary or desirable.

at least one storage media configured to store received text in order of priority; and	Page 8, lines 3-12: "The hard disk drive 27, magnetic disk drive 28, and optical disk drive 30 are connected to the system bus 23 by a hard disk drive interface 32, a magnetic disk drive interface 33, and an optical disk drive interface 34, respectively. The drives and their associated computer-readable media provide nonvolatile storage of computer-readable instructions, data structures, program modules and other data for the computer 20. It should be appreciated by those skilled in the art that any type of computer-readable media which can store data that is accessible by a computer, such as magnetic cassettes, flash memory cards, digital video disks, Bernoulli cartridges, random access memories (RAMs), read only memories (ROMs), and the like, may be used in the exemplary operating environment." Page 25, lines 6 - 11: "In this embodiment, if it is determined that the user is not available based on the time that no computer activity is seen - or on the user's inactivity when an attempt to alert is made - then messages are stored, and are reported to the user in order of criticality when the user returns to interact with the computer (or, returns to the room, given the availability of inputs from infrared or other presence detection)."

an implicit training module configured to continually watch text selected by a user while working,	Page 15, lines 20 - 27; Fig. 2: "Furthermore, still referring to Fig. 2, implicit training of the text classifier 200, as represented by the arrow 204, can be conducted by continually watching the user work in 210. The assumption is that as users work, and lists of mail are reviewed, time-critical messages are read first, and low-priority messages are reviewed later, or just deleted. That is, when presented with a new email, the user is watched to determine whether she immediately opens the email, and in what order (if more than one new email are present), deletes the email without opening, and/or replies to the email right away. Thus, the text classifier is such that a user is continually watched while working . . . ." Page 6, lines 16-18: "Although not required, the invention is described in the general context of computer-executable instructions, such as program modules, being executed by a computer, such as a personal computer."

the selected text having an assigned priority and comprising new training messages to the text classifier,	Page 26, lines 11-13; Fig. 11: "Referring to Fig. 11, a flowchart of a method according to an embodiment of the invention is shown. In 900, a text to have a priority thereof assigned is received. The text can be an email message, or any other type of text; the invention is not so limited. In 902, the priority of the text is generated, based on a text classifier, as has been described." Page 10, lines 18-23; Fig. 2: "Referring to Fig. 2, the text classifier 200 is able to be trained both explicitly, as represented by the arrow 202, and implicitly, as represented by the arrow 204. The explicit training represented by the arrow 202 is usually conducted at the initial phases of constructing the text classifier 200, while the implicit training represented by the arrow 204 is usually conducted after the text classifier 200 has been constructed, to fine tune the classifier 200. Page 15, lines 26-30: Thus, the text classifier is such that a user is continually watched while working, and the classifier is periodically refined by training in the background and updated for enhancing the real-time decision making. Background methods for building classifiers can extend from those that update the classifier with every new training message."

such that the text classifier is updated by training in the background using the new training messages for enhancing priority decision making.	Page 15, lines 26 - 30; Fig. 2: "Thus, the text classifier is such that a user is continually watched while working, and the classifier is periodically refined by training in the background and updated for enhancing the real-time decision making. Background methods for building classifiers can extend from those that update the classifier with every new training message." Page 10, lines 18-23: "Referring to Fig. 2, the text classifier 200 is able to be trained both explicitly, as represented by the arrow 202, and implicitly, as represented by the arrow 204. The explicit training represented by the arrow 202 is usually conducted at the initial phases of constructing the text classifier 200, while the implicit training represented by the arrow 204 is usually conducted after the text classifier 200 has been constructed, to fine tune the classifier 200." Page 26, lines 14-15; Fig. 11: "Thus, in one embodiment, 902 includes initially training and continually training the text classifier, as has been described."